

vertebral bodies when implanted in the spine so as to maintain an angulation of the adjacent vertebral bodies relative to one another.

25.(twice amended) An interbody spinal fusion implant for insertion across a disc space between two adjacent [vertebrae] vertebral bodies of a human spine, [the] said implant comprising a body having a substantially frusto-conical configuration along [at least] a sufficient portion of said body [oriented toward] that is adapted to contact the adjacent [vertebrae] vertebral bodies when implanted in the spine so as to maintain an angulation of the adjacent vertebral bodies relative to one another, said body having an insertion end, a trailing end, and an outer surface including a thread for engaging said implant to the adjacent [vertebrae] vertebral bodies of the spine, the locus of said thread forming a substantially cylindrical configuration.

49.(twice amended) An interbody spinal fusion implant for insertion across a disc space between adjacent [vertebrae] vertebral bodies of a human spine, [the] said implant comprising a body having a substantially cylindrical configuration, a longitudinal central axis and at least one truncated side forming a planar surface parallel to said central axis, said body having an insertion end, a trailing end, and an outer surface including a thread for engaging said implant to the adjacent [vertebrae] vertebral bodies of the spine, the locus of said thread forming a substantially cylindrical configuration.

69.(twice amended) An interbody spinal fusion implant for insertion across a disc space between two adjacent [vertebrae] vertebral bodies, [the] said implant comprising a body having a substantially frusto-conical configuration along [at least] a sufficient portion of said body [oriented toward] that is adapted to contact the adjacent [vertebrae] vertebral bodies when implanted in the spine so as to maintain an angulation of the adjacent vertebral bodies relative to one another, said body having, an insertion end, a trailing end, and an outer surface including a thread for engaging said implant to the adjacent [vertebrae] vertebral bodies of the spine, said implant being made of a material appropriate for human implantation.

94.(twice amended) The spinal fusion implant of claim 25 in which said implant has an upper and lower portion for engaging the bone of the adjacent [vertebrae] vertebral bodies, said upper and lower surfaces comprising a plurality of macroscopic openings.

95.(twice amended) The spinal fusion implant of claim 49 in which said implant has an upper and lower portion for engaging the bone of the adjacent [vertebrae] vertebral bodies, said upper and lower surfaces comprising a plurality of macroscopic openings.

96.(twice amended) The spinal fusion implant of claim 69 in which said implant has an upper and lower portion for engaging the bone of the adjacent [vertebrae] vertebral bodies, said upper and lower surfaces comprising a plurality of macroscopic openings.

99.(amended) The spinal fusion implant of claim 1 in which said body has a plurality of openings passing therethrough so as to allow bone to grow [through said implant] from [one of the] adjacent [vertebrae] vertebral body to [another of the] adjacent [vertebrae] vertebral body and through said implant.

102.(amended) The spinal fusion implant of claim 25 in which said body has a plurality of openings passing therethrough so as to allow bone to grow [through said implant] from [one of the] adjacent [vertebrae] vertebral body to [another of the] adjacent [vertebrae] vertebral body and through said implant.

104.(amended) The spinal fusion implant of claim 49 in which said body has a plurality of openings passing therethrough so as to allow bone to grow [through said implant] from [one of the] adjacent [vertebrae] vertebral body to [another of the] adjacent vertebral body and through said implant.

106.(amended) The spinal fusion implant of claim 69 in which said body has a plurality of openings passing therethrough so as to allow bone to grow [through said implant] from [one of the] adjacent [vertebrae] vertebral body to [another of the] adjacent [vertebrae] vertebral body and through said implant.

108.(amended) An interbody spinal fusion implant for insertion across a disc space between adjacent [vertebrae] vertebral bodies of a human spine, [the] said implant comprising:

a body having an outer surface, an insertion end, a trailing end, and a length between said insertion end and said trailing end, said body having transversely opposed arcuate portions oriented toward the adjacent [vertebrae] vertebral bodies, said arcuate portions being in a diverging relationship to one another along a sufficient portion of the length of said body adapted to contact the adjacent vertebral bodies sufficient to [induce] maintain angulation of the [vertebrae] vertebral bodies relative to one another, said outer surface comprising a thread for engaging said implant to the adjacent [vertebrae] vertebral bodies of the spine.

120.(amended) The spinal fusion implant of claim 108 in which said body has a plurality of openings passing therethrough so as to allow bone to grow [through said implant] from [one of the] adjacent [vertebrae] vertebral body to [another of the] adjacent [vertebrae] vertebral body and through said implant.

#### REMARKS

Applicant brings to the Examiner's attention that four (4) signed Form PTO 1449's submitted with the Information Disclosure Statements dated July 9, 1997; May 8, 1998; January 14, 1999; and June 30, 1999, have yet to be received by the applicant. It is respectfully requested that the Examiner provide copies of all four (4) signed Form 1449's to the applicant. Further, applicant has re-filed concurrently herewith a Supplemental Information Disclosure Statement previously submitted on November 3, 1999, after the mailing date of the Office Action, but within three months of the references submitted therein being cited in a foreign search report in a corresponding application.

In the Supplemental Amendment filed September 18, 1998, applicant informed the Examiner pursuant to 37 C.F.R. § 1.607(c), that new claims 144-147 correspond exactly or substantially to claims 1-4, respectively, of U.S. Patent No. 5,669,909 issued to Zdeblick on